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Attorney for Applicant

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PATENT

Docket No. 1785.2.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David C. Taylor)	
)	
Serial No.:	09/631,265)	
)	Art Unit:
Filed:	August 2, 2000)	2177
)	
For:	USER-CONTEXT)	
	ANALYSIS ENGINE)	

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir:

Applicant respectfully appeals the rejection of the claims of the above-identified patent application and requests reconsideration of the claims in view of the following remarks.

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I. REAL PARTY IN INTEREST

David C. Taylor (hereinafter "Appellant") is the Real Party in Interest as the sole owner of the new technology embodied in the above-identified patent application.

II. RELATED APPEALS AND INTERFERENCES

To the knowledge of Appellant and his legal counsel, there are no pending appeals or interferences that will directly effect or will be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-24 are currently in the case.

Claims 1-10 and 12-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,175,830 issued to Maynard (hereinafter "Maynard").

Claims 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,029,165 issued to Gable (hereinafter "Gable").

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Maynard in view of U.S. Patent No. 6,125,352 issued to Franklin (hereinafter "Franklin").

IV. STATUS OF AMENDMENTS

Appellant last filed an amendment to the claims of the above-identified patent application on August 12, 2003. The amendment was entered and there have been no subsequent amendments to the claims.

V. SUMMARY OF THE INVENTION

The present invention may be embodied as an apparatus for extracting information desired by a user from a source. (Claim 1, line 1). Such an apparatus may include an input module 116, a filtering module 118, and a presentation module 122. (Specification page 8, lines 20-24, Figure 2).

The input module 116 may interface with a user to receive a request for information. (Specification page 8, line 20). The input module 116 may acquire text to describe information sought by a user in a variety of different ways. For example, a simple free form text search may be used, wherein the user types a query in plain language. Alternatively, a user may provide key words separated by operators such as "AND," "OR," "NOT," and others known in the art. The input module 116 may also be configured to refine the text through questions to be answered by a user. (Specification page 13, lines 21-25, Figure 11).

The input module 116 may transmit text 117 reflecting a search query to the filtering module 118, which may then filter information to isolate what a user is seeking. (Specification page 13, lines 13-15, Figure 11). Until processed, the text is only a series of words with no inherent meaning to a computer. The filtering module 118 may convert the text into searchable portions to find matching information of the type desired by a user. (Specification page 13, line 25 through page 14, line 3). In certain embodiments, the filtering module 118 may include a context construction module 300 for assembling micro-contexts 301 based on the text 117, a context comparison module 302 for converting the micro-contexts 301 to macro-contexts 303, and an information matching module 304 for matching the macro-contexts 303 to specific information 306 responsive to the user's query. (Specification page 13, lines 15-19, Figure 11).

The context construction module 300 may assemble the words to form small, coherent groups, or micro-contexts 301. For example, they may contain about 1 to 5 words. This is accomplished in part by using a block parser 316, which breaks down and interprets the text.

Key words 312 and their modifiers, if designated by a user, can form or define natural contexts for searching. Similarly, relative values 314 or priorities assigned to words in the text may be used by the block parser 310 to create micro-contexts 301. Occurrence patterns 316 may be used to form natural separations between groups of words. (Specification page 14, lines 5-12, Figure 12).

The presentation module 122 presents information summaries and locations to a user. (Specification page 8, lines 23-24, Figure 2). The presentation module 122 may vary the depth and breadth of specific information 306 returned according to a user's preferences. The order and arrangement of specific information 306 displayed may also be determined manually by a user or automatically by reference to the user history 318. (Specification page 16, lines 16-31, Figure 14).

VI. ISSUES

Whether claims 1-10 and 12-22 are patentable over Maynard under 35 U.S.C. §102(e).

Whether claims 23 and 24 are patentable over Gable under 35 U.S.C. §102(e).

Whether claim 11 is patentable over Maynard in view of Franklin under 35 U.S.C. §103(a).

VII. GROUPING OF CLAIMS

With respect to whether claims 1-10 and 12-22 are patentable over Maynard under 35 U.S.C. § 102(e), Appellant submits that claim 1 should be selected as the representative claim.

With respect to whether claims 23 and 24 are patentable over Gable under 35 U.S.C. § 102(e), Appellant submits that claim 23 should be selected as the representative claim.

VIII. ARGUMENT

Rejection of Claims 1-10, 12-22 Under 35 U.S.C. §102(e)

Claims 1-10 and 12-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maynard. It is well established that, for a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. *Carella v. Starlight Archery & Pro Line*, 804 F.2d 135, 138 (Fed. Cir. 1986). Maynard does not disclose every element of the claimed invention. Accordingly, the rejection of claims 1-10 and 12-22 under 35 U.S.C. §102(e) as being anticipated by Maynard is improper and should not be upheld.

With respect to representative claim 1, Maynard does not disclose “a filtering module programmed to determine a micro-context relevant to the text,” as required by Appellant. (Claim 1, line 4, emphasis added). Claim 1 is clear in that this “text” is acquired from the user. (Claim 1, line 3). That is, this “text” is the text of a query. (Specification page 13, lines 21-26). Thus, the micro-context is determined from the text of the query, not from the information being searched. In direct contrast, Maynard discloses segmenting and categorizing the information being searched. Maynard provides no analysis (*e.g.* determination of context) of the text of a query, as required by Appellant.

In asserting that Maynard anticipates claim 1, the examiner misreads the claim. This misreading is evident in the citations to Maynard that the examiner asserts anticipate Appellant’s recitation of a micro-context relevant to the text. For example, the examiner asserts that Maynard discloses a break module that divides “the information” into finite elements such as paragraphs, sections, sub-sections, segments, and the like. (Maynard column 1, lines 57-60). The examiner asserts that this anticipates “determining a micro-context relevant to the text,” as required by Appellant. However, “the information” referred to by the examiner is actually “the

informational resource.” (Maynard column 1, line 57). Maynard specifically states that “the informational resource” may be a document, a number of individual documents such as Web pages, or a stream of information. (Maynard column 1, lines 41-49). Documents, Web pages, and streams of information are not queries. They are the information store being searched.

A query and the information being searched are two distinct things. While the examiner errs in confusing the two, claim 1 does not. Appellant is clear that the “text” acquired from a user (*i.e.* the query) is different from the “information” in the database. The terms “text” and “information” are both used in claim 1. They were given different names because they represent different things. Claim 1 is clear that the micro-context corresponds to the “text” acquired from the user (*e.g.* acquired from the query). It does not correspond to the “information” being searched. Since Maynard provides no disclosure of determining the context of a query, it fails to anticipate Appellant’s claim 1. Reconsideration of claim 1, and consequently 2-10 and 12-22, is respectfully requested.

Rejection of Claims 23 and 24 Under 35 U.S.C. §102(e)

Claims 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gable. It is well established that for a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. *Carella*, 804 F.2d at 138. Gable does not disclose every element of the claimed invention. Accordingly, the rejection of claims 23 and 24 under 35 U.S.C. §102(e) as being anticipated by Gable is improper and should not be upheld.

With respect to representative claim 23, Gable does not disclose “a filtering module that determines the micro-context of textual input by assembling words of the textual input into small, coherent groups to determine the meaning of the textual input,” as required by Appellant.

In contrast, Gable provides a profile module that “allow[s] users to choose topics or subtopics from the library of topics 36. Similarly, the user can specify or link additional contextual criteria such as specific geographic locations, industries, or company names. The term ‘topic’ could encompass topics, subtopics or context associations that are listed in the library of topics 36.” (Gable column 6, lines 54-60, emphasis added).

As can be seen, Gable allows a user to “choose,” “specify,” or “link” to topics and contexts that are “listed in the library of topics 36.” That is, in Gable, the user manually chooses his or her context from a predetermined set provided in the library. Nowhere does Gable disclose any module that determines a context from a textual input (*i.e.* from a query). In that Gable fails to disclose such a module, it fails to anticipate claim 23. Reconsideration of claim 23, and consequently claim 24, is respectfully requested.

Rejection of Claim 11 Under 35 U.S.C. §103(a)

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Maynard in view of Franklin. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143.) The rejection of claim 11 under 35 U.S.C. §103(a) is improper and should not be upheld because the combination of Maynard and Franklin fails to teach or suggest all of the claim’s limitations

As presented hereinabove, the examiner improperly attributes to Maynard the claimed determination of query context. However, Maynard refers only to processing of the informational resource and fails to teach or suggest any determinations of query context based on


the query content. The addition of Franklin still does not teach or otherwise remedy this deficiency of Maynard. Moreover, there is no suggestion or motivation to combine Maynard and Franklin. Accordingly, the rejection of claim 11 is improper. Reconsideration is respectfully requested.

In view of the foregoing, Appellant asserts that neither Maynard, Gable, nor Maynard and Franklin anticipate or render obvious Appellant's claimed invention. Accordingly, Appellant respectfully requests that the rejections of claims 1-24 be withdrawn and that claims 1-24 be allowed.

Form PTO-2038 authorizing credit card payment in the amount of One Hundred Sixty-Five Dollars (\$165.00) is enclosed herewith in accordance with 37 C.F.R. 1.17(c).

DATED this 25 day of June, 2004.

Respectfully submitted,


A. John Pate
Reg. No. 36,234
Attorney for Appellant

Date: June 28, 2004

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APPENDIX

1. (previously presented) An apparatus for extracting information desired by a user from a source, the apparatus comprising:

an input module to acquire text from a user;

a filtering module programmed to determine a micro-context relevant to the text;

the filtering module further programmed to locate information corresponding to the micro-context in a database; and

a presentation module to receive the information and present the information to a user.

2. (original) The apparatus of claim 1, wherein the micro-context is independent of a hierarchical ordering of the database.

3. (previously presented) The apparatus of claim 2, wherein the filtering module comprises a context construction module to combine words in the text to form the micro-context, the micro-context further being characteristic of the information.

4. (previously presented) The apparatus of claim 3, wherein the filtering module further comprises a context comparison module to acquire a macro-context relevant to the micro-context.

5. (previously presented) The apparatus of claim 4, wherein the filtering module further comprises an information matching module to locate information corresponding to the macro-context in the database, the database being contextually indexed for searching by context.

6. (previously presented) The apparatus of claim 5, wherein the presentation module is programmed to selectively present the information in a format designated by a user.

7. (previously presented) The apparatus of claim 5, further comprising a mining module to add new data to the database by selectively retrieving the new data from the source.

8. (original) The apparatus of claim 7, wherein the mining module retrieves data from the source over a network.

9. (previously presented) The apparatus of claim 8, wherein the mining module is located substantially remotely from the source.

10. (original) The apparatus of claim 9, wherein the network is the Internet.

11. (original) The apparatus of claim 10, wherein the information includes data about products purchasable by a user over the Internet.

12. (previously presented) The apparatus of claim 5, further comprising an updating module to update the information periodically.

13. (previously presented) The apparatus of claim 12, wherein the database further comprises a subset to store information for future access by a user.

14. (previously presented) An apparatus for extracting information desired by a user from a source, the apparatus comprising:

an input module to acquire text from a user;

a filtering module programmed to determine a micro-context relevant to the text;

the filtering module further programmed to locate information corresponding to the micro-context in a database, the filtering module comprising:

a context construction module to combine words in the text to form the micro-context characteristic of the information;

a context comparison module to determine a macro-context relevant to the micro-context; and

an information matching module to locate information corresponding to the macro-context in the database, the database being contextually indexed for searching by context; and

a presentation module to receive the information and present the information to a user.

15. (previously presented) The apparatus of claim 14, wherein the presentation module is programmed to present the information in a format designated by a user.

16. (previously presented) The apparatus of claim 15, further comprising a mining module to independently add new data to the database by selectively retrieving new data from the source.

17. (previously presented) A method for extracting information desired by a user from a source, the method comprising the steps of:

receiving text from a user;

determining a micro-context corresponding to the text;

determining a macro-context corresponding to the micro-context;

locating information corresponding to the macro-context in a database; and

presenting the information to a user.

18. (previously presented) The method of claim 17, further comprising combining relevant words in the text to form the micro-context characteristic of the information.

19. (previously presented) The method of claim 18, wherein locating further comprises searching through indices in the database, wherein the indices have a format similar to the macro-context, and returning information linked to indices which correlate to the macro-contexts.

20. (previously presented) The method of claim 19, wherein presenting further comprises presenting the information in a format designated by a user.

21. (previously presented) The method of claim 20, further comprising selectively retrieving data from the source over a network to add to the database.

22. (previously presented) The method of claim 21, further comprising updating the information periodically.

23. (previously presented) An apparatus for extracting information desired by a user from a source, the apparatus comprising:

an input module to receive textual input from a user;

a filtering module to receive the textual input from the input module and to filter the textual input to determine a micro-context relevant to the textual input, wherein the micro-context refers to assembling words of the textual input to form small, coherent groups to determine the meaning of the textual input, and wherein micro-context further comprises determining at least one of characteristics of the user submitting the textual input, and characteristics of prior searches conducted by the user submitting the textual input;

the filtering module further programmed to locate information corresponding to the micro-context in a database; and

a presentation module to receive the information and present the information to the user.

24. (previously presented) An apparatus for extracting information desired by a user from a source, the apparatus comprising:

an input module to receive textual input from a user;

a filtering module to receive the textual input from the input module and to filter the textual input to determine a micro-context relevant to the textual input, wherein the micro-context refers to assembling words of the textual input to form small, coherent groups to determine the meaning of the textual input by determining the context that would exist and be understood if inputs were spoken by the user under the circumstances, and wherein micro-context further comprises determining at least one of characteristics of the user submitting the textual input, and characteristics of prior searches conducted by the user submitting the textual input;

the filtering module further programmed to locate information corresponding to the micro-context in a database, the filtering module comprising:

a context construction module to combine words in the text to form the micro-context characteristic of the information;

a context comparison module to determine a macro-context relevant to the micro-context, wherein the macro-context contains substantially the entire text of web pages provided by more than one separately independent entities.

an information matching module to locate information corresponding to the macro-context in the database, the database being contextually indexed for searching by context; and

a presentation module to receive the information and present the information to the user.



CERTIFICATE OF MAILING

hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on November 10, 2004.

Attorney for Applicant

PATENT
Docket No. 1785.2.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David C. Taylor)
Serial No.: 09/631,265)
Filed: August 2, 2000) Art Unit:
For: USER-CONTEXT ANALYSIS ENGINE) 2177
Examiner: Srirama T. Channavajjala)

LETTER OF TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir:

In response to the Notice of Non-Compliance with 37 CFR 1.192(c) mailed November 1, 2004, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

(1) a complete copy of the Appeal Brief originally filed with the U.S. Patent and Trademark Office on June 28, 2004; and


(2) Credit Card Payment in the amount of one hundred seventy dollars (\$170.00) to cover the fees associated with filing an Appeal Brief in accordance 37 C.F.R. 1.17(c).



Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

DATED this 10th day of November, 2004.

Respectfully submitted,



A. John Pate
Reg. No. 36,234
Attorney for Applicant

Date: November 8, 2004

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